

Transactions *of* The Chartered Surveyors' Institution

SESSION 1938-1939.

AT THE ORDINARY GENERAL MEETING

*Held at the Chartered Surveyors' Institution, Monday,
9th January, 1939.*

Sir CHARLES BRESSEY, C.B. (President) in the Chair.

NEW MEMBERS.

The following new members were received by the
PRESIDENT prior to the meeting and signed the Register:—

Fellows :

PYM, LESLIE RUTHVEN

FREW, ALEXANDER, JUN.

Professional Associates :

BLAKE, LESLIE GORROD

MILLS, HAROLD

DISTIN, AUBREY

PAVITT, JACK EDLESTON

GOODCHILD, GORDON RALPH

RIGBY, ANTHONY STEWART

GORFIN, HARRY ROBERT

RUSSELL, BERNARD JAMES

GROVER, DONALD CYRIL JAMES

STRACHAN, JOHN ROBERT

GURNEY, GEOFFREY HOWARD

TOMLINSON, ALAN ERNEST

LUCKETT, ANTHONY FRANK

WEST, RONALD EDWARD

MARKES, CLYVE HORDER

WIDDOWS, IVO WALLACE

HADDAN

EDWARD

NEW HONORARY MEMBER.

The PRESIDENT, in proposing, on behalf of the Council, that the Right Honourable The Earl of Radnor be elected an Honorary Member of the Institution, said that his lordship had performed valuable services for the Institution and had proved himself to be its friend in many ways.

The motion was carried with acclamation.

A DISCUSSION took place on Mr. A. R. THOMLINSON'S paper entitled

**COAL ACT, 1938 (Part I).
UNIFICATION OF OWNERSHIP OF COAL.**

The PRESIDENT, in introducing Mr. Thomlinson, said he was often inclined to think that, in spite of the cosmopolitan character of London, its citizens were extraordinarily parochial. They were apt to forget that for hundreds of years the whole prosperity of this country depended on its output of coal; yet the number of Londoners who had ever been down a coal mine was extremely small. It was the same with regard to the Port of London; that again was the foundation of London's greatness, but the number of Londoners who had ever visited the Port of London or its docks was very small indeed. The Institution was fortunate, therefore, in having present that evening a gentleman who could probably speak on the subject of the Coal Act, 1938, more authoritatively than anyone else in the country. That Act was an extraordinarily important measure, about which many of the members knew very little indeed. It was, however, of deep concern to the Institution, which was entrusted with the responsibility of representing almost every professional interest in regard to the mines.

Mr. Thomlinson was a mineral surveyor dealing largely with the area round Doncaster in Yorkshire. He was a member of the Central Valuation Board, on which he was able to put forward with particular authority the needs and the views of his

Yorkshire constituents. The Institution was to be congratulated on having so eminent an expert to read a paper on the subject of the Coal Act, and he would listen with the greatest interest to what Mr. Thomlinson had to say on that measure.

Mr. CECIL H. BAILEY, B.SC. (Member of Council), in proposing a vote of thanks to Mr. Thomlinson, said the paper presented that evening was one of major importance, and the task of proposing a vote of thanks to its author was one of some responsibility. Though he was conscious of the responsibility he was glad of the opportunity, because there could be no difficulty in expressing the gratitude of the Institution for what was obviously a successful piece of work which would be invaluable to the whole body of members.

He believed that he was fairly familiar with the substance of the Act, and he did not think that Mr. Thomlinson had left out anything material, nor did he, as a practical surveyor, find that he differed materially from Mr. Thomlinson in what he thought the Act meant. Taken as a whole, he thought it was a remarkably clear and practical measure, and, in so far as that was so, thanks were due to all those who had been concerned in its construction. Like Mr. Thomlinson, he was not "learned in the law," and for a surveyor the test of a legal document was whether it could be related to practical life. In other words, surveyors were bound to read an Act with the question always before them as to whether they could do what it expected them to do. The Coal Act successfully passed that test.

One of the principal features of the Act was the establishment of the "global figure." Like Mr. Thomlinson he had been at one time puzzled as to why the total compensation became known as the "global figure." He had found in the "Oxford Dictionary" that the use of the word "global" in the sense in question first occurred in *Harper's Magazine* in 1892, but thereafter it was only since 1927 that it had come into common use. It was consecrated by *The Times* and *The Spectator*, if one was prepared to admit the authority of those papers.

There ought to be no technical difficulty which could not be overcome in the operation of disposing of the global figure, but he was inclined to think that it would have been an advantage if the idea of "allocation" had been carried through more completely than had been the case.

The considerations which led to the adoption of the idea of the global figure were clearly set out in the paper. The decision to adopt it was, in his view, sound, and the further decision, (b) that the royalty-owners should be left to divide

the total compensation amongst themselves (page 55) was also sound and an inevitable corollary of the first. The method of that dividing process as provided by the Act, however, was not really consistent, for, whereas the allocation by the Central Valuation Board was the beginning of the process, the principle of allocation was carried no further, and a method of "valuation" started as soon as the regional allocation had been completed. It ought to have been possible to carry the allocation method right down from the top to the bottom; the process of distribution would thereby have been shortened and a great deal of what was quite likely to be wasted energy would have been saved. It was very desirable that the Regional Valuation Boards and individual valuers should approach the next stage of the process with a full understanding of what they were really doing, that was to say, that they were distributing shares of a fixed sum, and that it was in the interests of all that such distribution should be as fair and as equitable as possible.

The process of equitable distribution would undoubtedly be facilitated by the composition of the Regional Boards, on which all the principal royalty-owners in the region would be virtually represented.

On page 59, paragraph (d), one of the complications of the method of valuation was stated to be that it was "impossible 'to make valuations 'as on' some date several years ahead.'" It was, he suggested, one of the first principles of valuation that it was always possible to put a value on anything at any time when the circumstances and conditions were known. The expert valuer was the man whose experience enabled him to give proper weight to the known circumstances and conditions. In the case under consideration the general meaning of the Act was inescapable. In detail no doubt there were obscurities, and words in one part of the Act might be difficult to reconcile with words in another part, but certain definite conditions were laid down and, given the conditions, a valuation could be made. In particular, mineral valuations always involved a hypothetical projection into the future, and the Act did not appear to him to introduce any special difficulty in that hypothetical projection. Later on in the paper Mr. Thomlinson dealt with that point more fully. He entirely agreed with him that "to ignore the postponement of "completion" in making the valuation on the valuation date would lead to injustices which would be much more serious than the injustices which might arise by carrying out the valuation in accordance with the forms prescribed by the Central Valuation Board. Mr. Thomlinson's owners of B, mentioned on pages 97 and 98, were the people who were entitled to expect first consideration, as Mr. Thomlinson himself suggested. The owners

of B were, of course, the people who could look forward to a long life in receipt of an income from royalties.

He agreed with Mr. Thomlinson's remarks about the owner-worker. The position of mineowners who had invested money in the purchase of coal for the purpose of working clearly presented special difficulties to those who were engaged in drafting the Act. If such mineowners had been left to pick up their share of the global figure and were thereafter granted a lease on the terms customary in the district, it would have at once added an appreciable amount to their costs of working. On the other hand, to have excluded them would have been to create a new class of freeholder, which would have defeated the main purpose of the Act. In his view the provisions of the Act seemed to tend more towards the latter result than the former. Mr. Thomlinson's suggestions emphasised that tendency, and it was clear that very serious thought would have to be given to the form of the new leases which were to be granted if the freedom of action of the Commission, which was one of the main objects of the Act, was not to be curtailed.

One of the most important parts of the Act was that which dealt with the rights which were acquired by the Commission for the withdrawal of support. That was a matter which all estate agents should study with special care, because for all time in the future all dispositions of land would have to have regard to the rights enjoyed by the Commission in areas where coal working was likely to take place. On the whole, the provisions of the Act put the surface-owner in a rather better position than he had ever been in before, because the Commission, by paragraph 7 of the Second Schedule, were made liable to pay the compensation to those who were entitled to it. One of the chief troubles of the surface-owner had been that frequently the party who had done the damage had disappeared before the damage actually occurred, so that he was left without any real remedy. The Commission could not disappear, and their resources were, he suggested, for the purpose in question, unlimited, so that in future surface-owners could hope to receive their compensation with more assurance than they had in the past.

He was afraid that he did not follow the meaning of the last few words of the middle paragraph on page 74, where Mr. Thomlinson spoke about the position of the man who required coal to be left unworked for the purpose of supporting certain buildings of which he was the owner. As he understood it, Mr. Thomlinson there suggested that the difficulty might be overcome by excluding the coal from the estimate, but he did not see how the exclusion of any coal from the estimate could affect the rights to withdraw support. There was nothing in

the Act which prevented the Commission acquiring the rights set out in the Second Schedule, which was the Schedule which dealt with the right to withdraw support. There were cases where the owner who had leased his coal had reserved out of the lease coal which he required for the support of buildings, frequently the house in which he himself lived, but it would not make any difference to his rights to have his buildings supported if he gave no notice of claim for compensation in respect of that coal and made no estimate of value. In view of the fact that the coal was "freehold in possession," paragraph 6 of the Second Schedule came into force, and only the Railway and Canal Commission could prevent the Commission granting the right to work, subject to the provisions of that paragraph. Such coal acquired a value by the very fact that it passed out of the control of the owner of the surface, and, unless it could be shown that the cost of making good the damage or the compensation for damage would inevitably be more than the full profit value of the coal, it obviously had a value.

He assumed that the "instrument of severance" which was mentioned on page 75 was the conveyance of the surface. It was clear that the Commission got all the rights of the owner of the coal, irrespective of whether all such rights had been granted to a lessee, and presumably the Commission would be in a position to offer the extra rights to the lessee for a consideration. The valuation of that power would be an interesting exercise and probably one which not many valuers would be called upon to perform.

There was a point on page 61 which he thought should be made clear. The Act did not expressly give the Commission and the claimant any right to agree a value for the subsidiary coal hereditaments. It would be only by the consent of the Regional Valuation Board or a Referee that such an agreement would be made. Practically Mr. Thomlinson was no doubt right, but he suggested that it looked as though he meant to imply that the Act gave that express power of agreement.

The paragraph numbered (v.) on page 73 might, he suggested, give rise to some misapprehension. As it read, it stated that the Commission might take "any rights of occupying surface lands" which are annexed to the ownership of the coal or mine of "coal." Where at present both surface and mines belonged to one estate-owner there was a right to occupy the surface annexed to the coal, but that right did not pass to the Commission. Paragraph 2 (2) of the Second Schedule, as he understood it, made that quite clear, because it was there stated that in the conveyance, assumed for the purpose of the Act, the conveying party who owned both surface and mines was to be regarded as

the owner of the coal only, and, as he possessed the power to occupy the surface merely because he was the owner of it, such power would not pass.

Mr. Thomlinson, on page 79, seemed to limit the scope of the provisions in paragraph 6 of the Second Schedule, relating to the liability for damage caused by the withdrawal of support, as he spoke about making good structural damage only. Subject to legal opinion on the matter, he would have thought that compensation was to be paid for all damage and that "works" would unquestionably cover anything that might be contained in industrial premises. Whether that was so or not, it was going much too far to state in categorical terms that the liability was "to pay compensation for or to make good structural damage only."

There was one other point on which he differed from Mr. Thomlinson in his understanding of the Act; that was where he said, in the middle of page 82, "(b) He"—the owner-worker—"must, apparently, be able to show that he is able and 'intends to work the coal himself.'" He could find nothing in the Act to support that view; he wished he could, because it was obvious that there were likely to be cases where an isolated area of coal might be owned by a mineowner who had no chance of working it. If he did not ask for a lease he would not get one, but if he did ask for one apparently he was entitled to have one. He could not grant a sub-lease, and the effect would be that the coal in the area would be sterile.

He would like to add a further point on the subject of mechanisation, with which Mr. Thomlinson dealt on page 65. He agreed entirely as to the difficulties which had arisen owing to the change in methods of work, which had led in some cases to over-payment of the minimum rent and in that way had no doubt increased the total royalty rent payable by a particular colliery, but he suggested that the aggregate figure of the industry showed that, although machine mining had increased enormously in the last ten years (for instance, the amount of coal cut by machinery had increased by 100 per cent. and the amount of coal conveyed by machinery had increased by perhaps something like 250 per cent.) at the same time the amount paid per ton on account of royalty rent had actually decreased, so that in fact, in the aggregate at any rate, the effect of machine mining had not been adverse as far as the payment of royalty rent was concerned. On the other hand, he agreed with Mr. Thomlinson that in some cases hardship had resulted.

He had confined himself to commenting on a few of the more important points in the paper, and he hoped that nothing he had said would be taken to imply undue criticism. Mr.

Thomlinson had been good enough to let him see the paper in draft on one or two occasions, but it was only since he had had it in print that he had been able to study it in detail. Mr. Thomlinson seemed to have read another paper that evening, and he would like to spend a good deal of time in commenting on what he had said, but he would postpone those comments for the time being. There was scope for endless discussion, but his duty was to propose a vote of thanks and not to take up the time of the meeting in talking about legal or other matters when there were people present who were more competent than he was to speak on those subjects and whose comments he was as anxious to hear as anyone else.

He could not, however, conclude his remarks without referring in at least general terms to the future effect of the Act. He was glad that Mr. Thomlinson shared his view that mine owners could take an optimistic view of their position under the new *régime*. He was sure that Mr. Thomlinson was right in that. It had long been inevitable that the national interest should operate more fully and effectually in the industry, and he suggested that the mineowner who had thought out the implications of the phrase "national interest," which had been before him for a great many years, and was adapting his operations and his future plans to those implications, must already be in a position to co-operate with his new lessor.

The quotation given in the paper (page 93) from Mr. George Raw's Presidential Address to the North of England Institute of Mining and Mechanical Engineers was very much to the point. Those who were interested in the future of the industry as part of the life of the community must be anxious when they realised, as they did, the increasing difficulty of producing cheap coal and at the same time, as Mr. Raw said, "maintain social progress commensurate with that of other industries."

The Act, in what he would be inclined to call rather timid fashion, seemed to contemplate that the "assistance" which the Commission was to afford to the industry was to be limited to reducing royalty and wayleave payments, as far as Part I. was concerned. It was pertinent to point out that such relief could extend only to pennies, whereas the figures which Mr. Raw put forward were quoted in shillings. There must be many much more effective ways in which the surplus, which would accrue to the Commission, might be used.

It gave him very great pleasure to propose a vote of thanks to Mr. Thomlinson, and he ventured to predict that the paper would be used for reference purposes as much as any paper that had been published in the Institution's *Journal*.

Mr. ROLLO S. BARRETT (Fellow) said that Mr. Bailey in moving the vote of thanks had expressed very clearly his sense of the responsibility and honour conferred upon him, and personally he was very sensible of those feelings in seconding the motion. However inadequately he might carry out the task, he felt that it was rather appropriate that Mr. Bailey and he should have been asked to move and second the vote of thanks to Mr. Thomlinson for his paper, because Mr. Thomlinson, Mr. Bailey and he had been working together so much in the last few months that nobody was better able than Mr. Bailey and he to appreciate the difficulties that Mr. Thomlinson must have had, in respect of time and opportunity, in writing the paper. He himself, of course, had been fully aware of Mr. Thomlinson's pre-knowledge of the Act, which he shared with a few people among the distinguished company present that evening and with very few people outside the room. As a member of the Mineral Owners Negotiating Committee Mr. Thomlinson had been playing in the scrum throughout the whole match and had a knowledge which was peculiar to the few people who had been in the thick of the negotiations. Personally he had not been in the least surprised at Mr. Thomlinson's lucidity of expression and facile way of handling the legal technicalities of the Act. What had surprised him when he read the galley proof of the paper was Mr. Thomlinson's capacity for work, as shown by his having been able to produce such a lucid and well-thought-out paper in the time at his disposal.

He would like to temper his praise with a little criticism, if only for the sake of the arguments which he had had with Mr. Thomlinson in the past and which he hoped he would have with him in the future, but he found very little to criticise in the paper. He proposed, however, to refer very shortly to some of what he thought were the most important and the most interesting points in the paper in the hope that it might stimulate discussion.

In Part I., on page 56, Mr. Thomlinson said: "Fortunately for the purpose of apportioning the total compensation it is necessary only that the valuations shall be empirically correct. In other words, and quoting paragraph 13 of Part III. of the Third Schedule, that means shall be adopted 'for securing uniformity of valuation.'" The word "empirically" was perhaps a little unfortunate, because his dictionary said that the noun "empiric," from which the adverb is derived, meant "one who practises from experience only and not from theory, an ignorant physician, a quack." Mr. Thomlinson could not be allowed to call himself an ignorant physician or a quack. He was quite sure that any valuation which Mr. Thomlinson made would stand the test both of practical knowledge and of theory. With the same thought in

his mind Mr. Thomlinson said on page 99: "In practice the Regional Boards may well find themselves compelled in many cases to estimate what a purchaser would be justified in paying rather than what, from their experience of 'the open market,' they consider he might be expected to be willing to pay." He entirely agreed with what he believed to be the thought in Mr. Thomlinson's mind underlying those two observations. With all respect to the legal profession and the legal draughtsmen in particular, he thought that, as applied to holdings of coal, at any rate holdings of any large size, which were either the subject of a lease or about to be leased—(and, after all, those were the holdings which would in the aggregate take most of the global sum)—the "open market" was a notional idea. There had been no "open market" in that type of coal holding in the past. The few transactions which had taken place had been almost invariably where the holding had been purchased by the colliery company, and equally in the more numerous transactions of isolated small holdings which were not leased and which were ripe for working, the colliery company had almost invariably been the buyer. That being so, he thought that the practical mineral surveyor must not attach too much importance to those words in Section 7 (4) of the Act.

To show how much the market value had been in the minds of some, he would like to relate an episode which occurred a few weeks ago, when Mr. Thomlinson, Mr. Bailey and he were living in the same block of flats. Mr. Thomlinson and Mr. Bailey were sharing a flat that week, and one morning Mr. Thomlinson got up very early in the morning to work on his paper. He had to pass through Mr. Bailey's room to get to the sitting-room, and he said "Good morning, Bailey!" and Mr. Bailey, turning over in bed, replied "And what is the market value?"!

The next point on which he desired to congratulate Mr. Thomlinson was the great clarity and, he thought, the accuracy with which he had interpreted Section 7 (4). He put it in the following way on page 96: "Expressed briefly, the value to be ascertained in relation to a holding appears to be what that holding (and any right to withdraw support that goes with it) is likely to be worth on the vesting date, according to the prospects as they appear on the valuation date." Mr. Bailey had referred to that in his remarks, but it was so important that he would venture to add a few words to what Mr. Bailey had said. He knew that there were two views about what Section 7 (4) meant, but he felt confident that the meaning which Mr. Thomlinson had attached to it, and expressed, he thought, with exceptional clarity in the words which he had just quoted, was the logical meaning and the meaning which it had been intended the section should carry

in the Act. Moreover, it was the meaning which was to the advantage of the very great majority of claimants. Mr. Thomlinson had pointed out that a certain minority would suffer by that interpretation, and he appreciated that, but he thought that their suffering would be vastly less than the injustice which would be done to a very much larger number if the other interpretation was given to the section.

On page 61, speaking of the value of subsidiary coal hereditaments—(Mr. Bailey had mentioned the point already, and he would just allude to it in passing)—Mr. Thomlinson said: "The amount will be settled either by agreement between the Commission and the claimant or by the Regional Valuation Board." He took it that the subsidiary coal hereditament value would be settled by the Regional Board, although it was true that the Commission, in common with the claimant, were entitled (a) to be heard by the Board if they so desired, and (b) to go to arbitration. What he thought perhaps Mr. Thomlinson might have had in his mind was the associated minerals, which could only be worked in conjunction with coal but which would not pass to the Commission, for the reason that they were not at present included in a mining lease. The Commission, under Section 32, were empowered to acquire them by negotiation after the vesting date, if they so desired, and that, of course, would be by settlement, if possible, between the Commission and the owner.

He had been very interested to read Mr. Thomlinson's observations on Section 19, which prohibited sub-leases. He had a case in hand himself at the present time which, had it been possible to arrange it in time, would probably have been the subject of a sub-lease, and he had suggested before he read the paper that it might be dealt with by way of surrender of the area in question and a direct lease to the company that desired to work it, the transaction being sweetened by a payment from the new lessee to the old lessee. With the permission of the Commission that was the way in which it would be dealt with, and he was very glad to see that Mr. Thomlinson agreed with him on the matter.

He would like to commend to the attention of the members Part II. of the paper entitled "Effect on various interests." Although Mr. Thomlinson in his opening remarks rather belittled that part of the paper, personally he thought that, particularly to those who had not as yet made a very close study of the Act, it was one of the most useful parts of the paper. He especially liked Mr. Thomlinson's definition of "surface servitudes," which had been such a stumbling-block to so many people. He said: "Any rights of occupying surface lands which are annexed to the

"ownership of the coal or mine of coal." He thought that was a very clear way of putting a rather difficult definition.

On pages 80 and 81 Mr. Thomlinson referred to the notice of the intention to erect buildings which had to be given in the case of a person setting up a house or other buildings on a property which was not now the subject of a lease and was not the subject of a lease at the vesting date, but afterwards was let by the Commission. He said: "In practice it seems likely the proposals for additional precautions in construction will emanate from the mining lessee, and that the cost will be borne by him." He hoped that in that Mr. Thomlinson was pessimistic, but it seemed to be very necessary that a lessee making a lease in those circumstances should endeavour to arrange with the Commission and, if possible, get it into his lease, that the Commission would themselves, where conditions necessitated it, take the proper precautions at their own cost.

The last reference he wished to make to the paper was one which he commended to all mining surveyors and which he hoped Sir Ernest Gowers would note. On page 92 Mr. Thomlinson said: "The total expense of acquisition must of necessity be heavy. Indeed, as regards some of the items, members of the Institution may well hope that the cost is not less than it should be."

He would like to suggest that the paper should be printed in pamphlet form, so that it might be available to those who had not the privilege of being members of the Institution. To his knowledge there were three excellent books already published on the Act by three eminent lawyers, and he knew he would not be considered to be disparaging them when he said that he thought, in the hands of a mining surveyor concerned with the practical application of the Act, none of them would be more useful than the paper which Mr. Thomlinson had written.

It was with the greatest pleasure that he seconded the vote of thanks.

Sir ERNEST GOWERS, K.C.B., K.B.E. (Chairman of the Coal Commission), said he had come to the meeting that evening to listen and not to speak, to learn and not to instruct. He wished to express his sense of the debt of gratitude which not only surveyors but also those who had undertaken the task of putting the Act into operation owed to Mr. Thomlinson for his paper. No doubt Mr. Thomlinson would call the latter people incorrigible optimists, for if he called a man who set out to make money out of coal an incorrigible optimist, all the more would he apply that description to those who had undertaken a task which might occasionally place them in the position of trying to per-

suade the colliery-owner to do something which he thought might perhaps be a handicap to him in the fulfilment of his own optimism.

He was sorry to say that he had received Mr. Thomlinson's paper only that morning, and in the course of a busy day he had not had time to study it with the attention that it deserved. If he had been able to do so, possibly he would have had some criticisms with which to enliven his remarks, but at the moment he had no criticisms to make. Even his superficial examination of the paper had shown him that it was an invaluable contribution to the subject, which Mr. Thomlinson's knowledge and great professional experience had enabled him to make, with, moreover, a clarity of exposition and of language which was not always found in professional treatises or, for the matter of that, in Government publications.

He thought that perhaps Mr. Thomlinson had slipped into a confusion of thought, which must be rare with him, in the beginning of his address that evening. He had said with truth that there were sitting behind him some who had performed the task of drafting the Act, but he thought it was a *non sequitur* when Mr. Thomlinson went on to say that therefore they must know what it meant. He admitted, of course, that it was probably true that they knew what they meant it to mean—that was not necessarily the same thing. He would be sorry to make many prophecies about the future of the Act, but there was one he would make with complete confidence, and that was that before very long it would be said from the Bench that there were certain passages in the Act which had a meaning different from that meaning, if any, which the authors intended.

The subject was one which, so far as someone sitting, as he had done, apart from the conflict could judge, had roused emotions which occasionally bordered on the controversial, but now that the din of battle had died down and the dust had subsided, he welcomed Mr. Thomlinson's paper as an earnest of the determination of all those who were affected by the Act, whatever they might think of the policy which prompted its passage, to do their utmost to make it a success.

With regard to the hope expressed by Mr. Thomlinson that the costs of acquisition would not be less than they ought to be, he shared that hope, and he also hoped that they would not be more than they ought to be. To prevent any possible misconception, he wished to make it clear that the matter was one in which he had no voice. It was true that he signed the cheques, but the amount of those cheques was a matter determined by His Majesty's Treasury, on whose tender mercies mining surveyors were thrown.

Mr. HUMPHREY RYDE (Honorary Secretary) (Member of the Central Valuation Board) said that since his appointment as Honorary Secretary of the Institution a few months ago he had realised more and more from week to week what a very large range of subjects the surveyor's profession included. He had never had any conception of that range before he took up the duties of Honorary Secretary. He had now been thrown into contact with Mr. Thomlinson, Mr. Bailey, Mr. Barrett and a large number of other members of the Institution who had been accustomed to deal with very special subjects connected with mining, and he would like to pay a tribute to them as a whole. He could not conceive of any branch of the surveyor's profession which was more ably represented than the branch which was termed the mining mineral agency.

As to the author of the paper, those who had been connected with him at so many meetings had been conscious of his great intellectuality and his forensic powers, and they knew that any paper he wrote on the subject of the Coal Act would be a very worthy one. He would like to add that one did not get a true picture of Mr. Thomlinson when he read a paper, because when one attended meetings with him one found that he could make excellent speeches in perfect English without the slightest preparation. He felt sure that Mr. Thomlinson's paper would be of the very greatest value not only to members of the Institution, but also to all those whose duty it would be to carry out the Act. For instance, he had been questioned by a lawyer on one or two points arising out of the Act, and he had been able to put forward Mr. Thomlinson's points of view on those legal points and could see what a great interest was taken in them.

The working of the Act so far had been principally connected with the activities of the Central Valuation Board, which had completed its work in a very expeditious manner under the chairmanship of Lord Reading. The members of that Board were appointed by the Board of Trade, on the nomination of the Chairman of the Mineral Owners' Joint Committee and of the President of the Institution of Chartered Surveyors. It was therefore a Board which, although presided over by a legal chairman, was composed almost entirely of members of the Institution and of kindred institutions.

It was rather a peculiar thing that the system of compensation adopted in the Act was extraordinarily like the system of valuing railways for rating purposes in that first of all one arrived at the total and then one began whittling down the parts in order that the sum of them might not come to more than the total. It was a new system, as Mr. Thomlinson had pointed out, and members of the Institution, who represented the owners and occupiers of all manner of forms of property, must regard with a certain amount

of anxiety the whole policy of the Act of Parliament. The Institution was traditionally precluded from speaking of politics in its hall, and he must not depart from that tradition, but if the members could have a political debate on the policy of the Act it would be an extremely interesting one.

Mr. GERALD EVE (Past-President) said there was one question that he would like to ask. Supposing a local authority or one of the Government Departments wished to make a compulsory order to purchase the surface and the minerals beneath, was there anything in the Coal Act which required the permission of the Coal Commission to acquire any coal after the 1st January, 1939, or, alternatively, did not that stage arrive until the 1st July, 1942?

He thought that the ordinary surveyor was more interested in the question of damage to the surface than in what was going to happen to the coal, and on page 79 Mr. Thomlinson argued the most interesting question about the Commission acquiring the right to withdraw support from land so far as might be reasonably requisite for the working of any coal, with an obligation to pay proper compensation for damage arising from such working to that land, "which obligation shall extend to buildings and works on that land whether constructed before or after the vesting date." It seemed to him that that was a very difficult passage to construe. In the sentence "to pay proper compensation for damage arising from such working to that land," what did "land" mean? If it stood alone most lawyers and even surveyors could interpret what was meant by "land," but unfortunately there followed the words "which obligation"—*i.e.*, to pay compensation—"shall extend to buildings and works on that land whether constructed before or after the vesting date." The question was whether, as the definition of "land" was followed by a mention of buildings and works, the old legal rule of interpretation that the expression of one was the exclusion of the other applied, or whether the words "which obligation shall extend to buildings and works" merely went to the point as to whether the buildings were constructed before or after the vesting date. He thought that was one of the cases in which something would be heard from the Bench in due course, but in any event he suggested that "land" must include crops and certainly drains, ditches and fences. There was a well-known case in which a landowner sold his home farm and when he said to the purchaser "I want you to appoint a valuer for the tenant-right," the purchaser said "You have sold me the land; there is not going to be any tenant-right"; and the Court said that he was right.

It was rather alarming to find that there was some doubt in the minds of mineral surveyors as to what was the exact definition of the apportionment valuation to be made of each ownership of coal. After carefully reading the section he thought it was fairly clear that the valuation to be made on the 1st January, 1939, was of the subject matter as it would exist in July, 1942. It was quite clear that the royalty-owner continued to receive royalties between 1939 and 1942. Therefore all one had to do was to sit down and imagine one had died on the 1st January, 1939, and had first considered what a reduced parcel of the size it would be in 1942 would be worth. After all, that was only what happened when a railway company or any public body served notice to treat compulsorily to acquire a gravel-pit or a brick-yard. The arbitrator did not give compensation for a parcel that was larger than the parcel that would in fact be conveyed. If a company served notice to treat on the 1st January and the completion did not take place for a year, it was accepted on all hands that the value to be ascertained was the value of what at the time of the conveyance would in fact pass to the purchaser, and it was quite clear that the coal which would pass to the Coal Commission would be the size of the parcel of coal as it existed in July, 1942. He thought there could be no doubt that Mr. Thomlinson's interpretation on page 96 was right if by the word "holding" he meant the holding of the size it would be on the 1st July, 1942.

In conclusion he wished to say that he could recall no more valuable or timely contribution to the annals of the Institution than the paper presented that evening. He was astounded that any surveyor or valuer, or, in fact, any man living, could write on so complicated a subject in such a way that even a surface surveyor could almost understand it.

Mr. J. W. TYLER (Fellow) said he wished to support the vote of thanks to Mr. Thomlinson, particularly for the reason that in the case of one important estate in the South Yorkshire coalfield for which Mr. Thomlinson had been for many years the mineral surveyor and he had been the land agent, they had therefore come into contact with each other on a number of occasions. He did not claim to know anything about minerals, and if he wanted to know anything about them he always went to Mr. Thomlinson, who explained things to him very clearly.

He knew very little about the Coal Act except what he had gathered from Mr. Thomlinson's most lucid paper, but there was one point which had occurred to him, *i.e.*, as to the effect on the valuation and consequently on the compensation in those cases where the minimum rent had been abated, sometimes to a consider-

able extent. He had in mind particularly one lease on the estate in Yorkshire already referred to where that had been done systematically and voluntarily by the estate-owner for many years. He would like to ask Mr. Thomlinson whether that estate-owner would suffer because he had done that, and, if so, to what extent he was likely to suffer. It was a subject which was exercising the minds of many people.

Mr. A. W. CRAMPTON asked whether it would be possible to create mineral royalties in the future. That appeared to him to be a very important question. He thought the presumption would be that the Act made an end of royalties in all coalfields. Putting the question in another form: supposing it was considered by experts that a new coalfield could be opened in a certain part of the country, as had happened not very long ago, would it be possible to create new mineral royalties there?

Mr. T. G. BOCKING (Fellow) said that he as a mineral surveyor owed a deep debt of gratitude to Mr. Thomlinson, which he wished to express publicly.

Everyone who had spoken in the discussion seemed to agree with what Mr. Thomlinson said on page 96 about the correct method of ascertaining the value. Personally he had always agreed with Mr. Thomlinson's view on the subject, but at one time they were in a rather small minority, and he was very glad to find that the view was more widely accepted now. He believed that a difficulty had been shown to Mr. Thomlinson which had somewhat perturbed him, but he wanted to suggest to him that that difficulty did not really exist. When the mineral valuations had to be made from 1942 onwards, one would not take into account by calculation the coal that one expected to be worked in the three and a half years next ensuing, but one must take that into account on a plan; that was to say, there were certain resources from which one would calculate the value, and therefore one must mark off on the plan the area which one expected to be worked in the ensuing three and a half years. He suggested that a very conservative estimate must be made of that if one wished to reduce it to a certainty. If the prospects were equal to those of a gilt-edged security, then if one took it at 3 per cent. one would find that an income of, say, £1,000 for each half-year ought to be worth £6,598, but if one applied the 10 per cent. tables one would get a value of only £5,786, the difference being £812. He suggested to Mr. Thomlinson that one could not in a mineral valuation regard any proposition of working coal, even in the three and a half

years next ensuing, as anything like a gilt-edged security. The certainty did not exist. Therefore, although one might be optimistic, one could not be optimistic to the extent of putting the proposition on the level of a gilt-edged security ; some of the gilt must be rubbed off. One had a balance of some £800 odd, which in 1942 would have a value whether or not in the interval the coal had been worked.

On the figures used in the illustration the exact royalty value of the remaining coal would be £882, *i.e.*—

$$7 \times (\text{£}1,000 - \frac{5,786}{6,598} \text{ of } \text{£}1,000).$$

The vote of thanks was accorded with acclamation.

Mr. A. R. THOMLINSON, in reply, said that as a result of the discussion he had to plead guilty to one blunder in the paper. He had referred to the value of subsidiary coal hereditaments being a matter of agreement between the claimant and the Commission, but that, of course, was not true. The value must be ascertained by the Regional Valuation Board, although he thought that in effect it might be a matter of agreement, inasmuch as, if the claimant put in his estimate of the value and the Coal Commission did not require to be heard by the Regional Board, presumably that estimate would be accepted.

With reference to Sir Ernest Gowers' remarks about incorrigible optimists, he would remind him that one definition of a pessimist was a man who had frequently come into contact with an optimist, but he hoped that definition did not apply in the case in question.

He was sorry that the labours of the Central Valuation Board were completed and that he would not continue to have the privilege of coming into contact with the gentlemen present that evening and others who had been sitting on the Board. If his future experience in helping to put the Act into operation was as agreeable as had been his experience during recent months, he would have cause to welcome the measure, even though it might entail some financial sacrifice.

Mr. THOMLINSON, in a written reply to the discussion, expressed his very real appreciation of the generous way in which his paper had been received.

He agreed with Mr. Bailey that it would have been more logical and consistent if the Act had provided for a further allocation of the regional compensation, but he thought this would have created grave difficulties in practice.

As a matter of principle it was perhaps a weakness of the Act that there was no right of appeal against the allocations made by the Central Valuation Board. He was sure that great opposition would have been aroused if the Regional Boards had been empowered to divide the regional allocations into sums, say for each colliery "take," without any right of appeal on the part of persons whose interests were intimately and vitally affected. On the other hand, a dozen or more people might have been interested in a single allocation, and they might have held different views as to what the proper figure should be. If every person interested had been allowed to appeal in the case of every colliery "take," and further appeals had been allowed on the sub-division of each "take-allocation," a state of hopeless confusion might well have resulted. He preferred the machinery as provided by the Act.

He thought there was no real difference of opinion between himself and Mr. Bailey as to the feasibility or otherwise of making a valuation "as on" some future date. A valuer could assign a definite value to a holding on the date on which he made his valuation or "as on" a date in the near past. As regards some date in the future, he could only say what the value was likely to be according to the prospects as they appeared on the date of valuation or "as on" a date in the near past. That was what Section 7 (4) apparently required him to do. He could not definitely determine what the value would be "as on" a future date because the "circumstances and conditions" could not be known until that date arrived. A mineral valuer must have the gift of prophecy, but he could not claim that his prophecies were infallible.

He was afraid Mr. Bailey was unduly optimistic in stating that the Act put the surface-owner "in a rather better position than he had ever been in before." It was true that damage might become apparent after a mining lessee had "disappeared," but that difficulty did not arise very often, and then mainly in connection with small outcrop concerns which were relatively unimportant. Apart from this minor advantage, the position of a surface-owner who had himself leased the underlying coal or who

enjoyed a right of support or compensation under a conveyance would, like that of the owner-worker, be "neither adversely affected nor improved." He was more anxious about the rights of an owner of both surface and minerals who, on the valuation date, had not yet leased his coal. In this respect he was partially reassured by the comments of Mr. Gerald Eve, but he was disappointed that the efforts of the Mineral Owners' Joint Committee to secure compensation for consequential damage had not been successful.

The paragraph on page 74 to which Mr. Bailey referred dealt with the rights of the freehold reversioner in respect of the support of his own surface. In writing that paragraph he was thinking of cases in which the lease did not give the mining lessee a specific and comprehensive right to withdraw support. He did not for one moment suggest that the exclusion of coal from an "estimate of value" could possibly secure for the landowner a right of support from that coal if he did not in fact enjoy that right on the valuation date. What he intended to imply was that, where the terms of a lease were vague as to the lessees' right to withdraw support, a landowner might have difficulty in resisting a claim by the lessees or by the Coal Commission that they were entitled to let down a particular surface area if, in submitting his estimate of value he (the landowner) had assumed that a right to withdraw support was to vest in the Commission with the subjacent and adjacent coal. The paragraph in question had nothing whatever to do with a freehold in possession.

On page 75 he had used the words "instrument of severance of ownership," which he had hoped would avoid any possible confusion with a mining lease. The "instrument" might be a conveyance of the surface, a conveyance of minerals or an enclosure award. He agreed with Mr. Bailey that the position was clear if the relevant provisions of the Act were studied together, but it was by no means clear from paragraph 5 of the Second Schedule taken alone. The clearest thing about that paragraph was its ambiguity.

He had already admitted a "technical error" on page 61, to which Mr. Bailey and Mr. Barrett had drawn attention. Mr. Barrett had very charitably tried to explain away the misleading statement, but it could not be justified in the way he was kind enough to suggest. It was true that the onus of valuing subsidiary coal hereditaments rested upon the Regional Valuation Boards and that no provision was made for a prior agreement between the claimant and the Commission. He was sorry that this was the case, because the transaction did not differ in its essence from an ordinary acquisition of land by a statutory authority under compulsory powers. It seemed unnecessary that every case should, in effect, be referred to arbitration by the Regional Board, with the

possibility of a second arbitration with three parties involved. He hoped that in practice prior agreement might prove to be possible.

With the greatest respect to Mr. Bailey, he thought paragraph (v.), on page 73, was perfectly correct. He had assumed, and he believed the assumption to be sound, that rights of occupying surface lands could not be said to be "annexed" to the ownership of coal, *i.e.*, in a legal sense, unless there had been a severance of ownership as between the coal and the surface. Nevertheless he was grateful to Mr. Bailey for raising the point in order that any possible misapprehension might be removed.

He thought Mr. Bailey had drawn an unwarranted inference from what he had said on page 79 in discussing paragraph 6 of the Second Schedule. Mr. Bailey seemed to him to limit the scope of the word "structural." He (Mr. Thomlinson) had not suggested that "works" would not cover "anything that might be contained in industrial premises," although he was doubtful that the expression would include the manager. Reference was made repeatedly in paragraph 6 to the "construction" of both buildings and works. The "Standard Dictionary" defined "structure" as "that which is constructed, a combination of related parts, as a machine, a building or a bridge." He thought the word "structural" was admissible as he had used it, but admitted that it might be misinterpreted. He had wanted to distinguish between damage for which the Commission were liable and consequential damage, for which he feared they were not liable. Before adopting the word he had rejected "material" because of its ambiguity and "physical" because of its vagueness.

He feared that Mr. Bailey must have been overcome by weariness by the time he reached page 82, which was very understandable. He himself had fallen asleep at page 76. He had not said that an owner-worker must show that he "is able and intends to work the coal himself" in order to be entitled to a lease. Nor could he find anything on page 82 that was conceivably capable of such an interpretation. What he did say was that the owner-worker must do so before he was entitled to require that the lease should be on special terms. On page 84 he had given his reason for such an inference, which he still thought was an inevitable one.

He did not think that the small decrease in the "royalty" per ton during the last ten years in any way disproved his argument that the concentration due to machine mining had increased the burden of minimum rents. It was probable that the average royalty charge would have fallen further but for their sustaining influence.

He hoped that nothing in his reply would give the impression that he had not welcomed Mr. Bailey's criticisms. He had enjoyed the privilege of a close association with Mr. Bailey for a long time

and had the greatest possible respect for his opinions. Mr. Bailey knew quite well that a failure on his part to be provocative would have been a disappointment. The fact was that Mr. Bailey and he enjoyed arguing with each other, and he hoped they might have many more opportunities of doing so.

The remarks of Mr. Bailey, Mr. Barrett and Mr. Ryde (like those of the President and other speakers) displayed a generosity far beyond the merits of himself or of his paper. No members of the Central Valuation Board were more highly respected by their colleagues for their judgment and capacity, and he was most grateful to all of them for their kindness.

He was glad Mr. Barrett had questioned his use of the word "empirically," which was obviously inappropriate according to its ordinary meaning. When he chose the word he had had in mind the analogy of the deduction of an "empirical formula" by the experimental determination of the relative amounts of the elements in a chemical compound, but not of the absolute mass of the atoms. The process bore some resemblance to the work of the Regional Boards, though not perhaps a very close one. He was bound to admit that the word was an "unfortunate" one to use, and that the Act did not in fact admit the principal of relativity.

Everybody knew that Mr. Barrett had considerable colliery interests, and his hope that the Commission would themselves bear the additional cost of construction of new buildings and works was understandable. There was, indeed, much to be said for such a policy. Colliery people were not necessarily experts in structural engineering, and a small department of the Coal Commission specialising in preventive construction might render useful service to the industry and the community. Nevertheless, it would be rather surprising if the Commission did not follow the general practice which had previously prevailed of insisting on an indemnity from the mining lessee against claims for surface damage. If that course were followed, the execution of preventive measures would reduce, or tend to reduce, the liability of the lessees. Under such circumstances it would not be unreasonable that they should defray the cost, and, if they were required to do so, they would, no doubt, wish to control the expenditure.

The presence at the meeting of Sir Ernest Gowers, Sir Alfred Faulkner, Mr. Hurst and other gentlemen having important executive responsibility had given great pleasure to him and to the other members of the Institution. He regarded their presence as evidence of their sympathetic interest in the difficulties of mineral surveyors as a body. They felt confident that Sir Ernest and his colleagues would do all that they could to see that mineral surveyors were given a square deal, and that the promises made to them were fulfilled. As a taxpayer he welcomed the vigilance of

His Majesty's Treasury, but he thought there might be a danger lest the willing co-operation of those engaged in the management of mineral estates should be jeopardised by a parsimonious attitude with regard to fees. They were expected during the next three and a half years to carry out a very difficult and exacting task, and it would not help the smooth running of the machinery if the lubrication were deficient from the start.

It would be an unprecedented achievement if, in connection with so complex a transaction, it were not found necessary, sooner or later, to appeal to the Courts on some matters of interpretation. Nevertheless, he agreed with Mr. Bailey that the Act was a remarkably workmanlike production, which displayed immense skill and ingenuity on the part of those who had framed it. He would be surprised if, in the main, the Act were not found to mean what those gentlemen thought it meant and meant it to mean.

Mr. Ryde reminded him of a merciful photographer who had so "touched up" a recent photograph as to make it unrecognisable. He was, however, most grateful. Since the meeting Mr. Ryde had told him that he had found that there was a good deal of misconception on the importance of royalties in relation to the total cost of production of coal. The latest available figures were those for the quarter ended 30th September, 1938, from which the following examples were taken:—

RATES PER TON.					
		<i>Royalty.</i>	<i>Cost.</i>	<i>Selling Price.</i>	
		d.	s.	d.	s. d.
Yorkshire	...	4·74	16	3·32	16 8·31
South Wales	...	8·93	18	7·18	18 8·53
Great Britain	...	6·01	16	6·02	17 2·68

It was obvious from the figures that even the total abolition of royalties would not go far towards a solution of the future financial problems of the coal industry, faced as they were with ever-increasing natural difficulties, but it would go a little way. The public were apt to overlook the fact that almost every new regulation for the promotion of safety involved some increase of cost, and it would not be surprising to find an increase in the near future from this cause alone, equal to the total royalty charge.

He thought the answer to Mr. Gerald Eve's question was contained in Section 17 (1), which read as follows:—

"A power to acquire land compulsorily conferred by or under any enactment . . . shall not be exercisable on or after the date of the passing of this Act in respect of any coal, or mine of coal, other than coal that is necessary to be dug or carried away in the course of operations for the purposes of which the power is

"conferred or a mine that is necessary to be used in the course of such operations."

Although local authorities and statutory undertakers could not acquire the ownership of coal, Section 34 (1) preserved their rights under various enactments to restrict the working of it. He very much doubted that it was possible after the valuation date, except with the acquiescence of the Commission, to acquire, under a compulsory purchase order or by negotiation, a right of support of surface lands from coal in cases where the Commission were to acquire a right to withdraw support from such lands.

It seemed to him that the word "land" in paragraph 6 (1) of the Second Schedule could not be deemed to include "buildings and works," but that this was immaterial by reason of the extension of the Commission's obligation. He confessed that he had been in complete ignorance as to how far "land" included things in or upon land the presence of which was due to human activity. In mining leases the things in respect of which the lessees were to be responsible for damage were generally categorically defined. He was reassured by Mr. Gerald Eve's remarks on this point.

He did not think there was any real difference of opinion between Mr. Eve and himself on the basis of valuation. Even so, he did not entirely agree that "holding" meant "the holding of the size it would be on 1st July, 1942." He would prefer to put it that one must value the holding as it was on 1st January, 1939, but making whatever allowance might be appropriate having regard to the vendor's right to work the coal during the interim period without being impeachable for waste.

In answer to Mr. Tyler, whose presence and remarks he greatly appreciated, he thought that, in valuing a freehold reversion, the Regional Boards must have regard to the rents reserved by the lease. In his view the fact that the lessor had made concessions in the past was irrelevant. If, however, the rents reserved were beyond the lessee's capacity to pay or, if it was apparent that the lessee could, in effect, compel a reduction by threatening to exercise a right to determine the lease, the Regional Boards would be obliged to take such factors into account. It would be deplorable if a generous landlord were to be penalised for his generosity and that his less generous neighbours should benefit as a result. He did not think that was likely to happen except to the extent that the terms of a lease as originally granted, or as varied by a subsequent deed, were unduly favourable to a lessee.

The short and conclusive answer to Mr. Crampton was contained in Section 3 (3) of the Act which decreed that "on the vesting date all coal and mines of coal as existing at that date shall

"vest in the Commission." The vesting was, of course, subject to certain "retained interests," but the Commission were debarred by Section 17 (3) from relinquishing their ownership except for certain very limited and special purposes. It should be observed that although the wording of Section 3 (3) was sufficiently comprehensive to include coal (even on another planet), the existence of which was now unsuspected, it modestly excluded coal which had not yet been formed. No doubt the Act could apply only to Great Britain, and it seemed doubtful that the Commission could successfully claim the ownership of under-sea coal beyond the three-mile limit. The practical answer to Mr. Crampton was that it would not be possible in the future for anyone other than the Coal Commission to charge coal royalties, but that the position as regards royalties on minerals other than coal was, generally speaking, unaltered.

Mr. Bocking's remarks were very characteristic of him ; they were generous, ingenious, entirely sound in principle, and they displayed that spirit of optimism that tended to minimise difficulties as a first step towards the solution of them. He could not, however, admit that the "snag did not really exist." The sort of case he (Mr. Thomlinson) had had in mind envisaged a relatively small patch of coal immediately in front of a working face. Within the limits of mining probabilities that coal was almost certain to be worked within the next three years. The value to be determined under the Act was what a purchaser would pay for the chance of receiving royalties after the vesting date for coal that might remain ungotten on that date, if the mineowner's programme of development were upset by some unexpected mischance. He admitted that the purchaser must be deemed to be willing to pay something, and he had perhaps yielded to the temptation of somewhat overstating the case in order to make it clear. In such a case the Act, in effect, assumed that both the vendor and the purchaser were willing to indulge in a wild gamble. It might have been an advantage if the Regional Boards had been empowered to co-opt a number of experienced bookmakers to assist them in dealing with such cases.

In conclusion he wished to repeat his thanks to all who had been good enough to attend the meeting or to contribute to the discussion.

PROBLEMS OF VALUATION AS AFFECTED BY MODERN LEGISLATION.

At the Ordinary General Meeting on Monday, 6th February, 1939, a discussion on " Problems of valuation as affected by modern legislation " will be opened by Col. F. S. HAMMOND, D.S.O., O.B.E. (Fellow).

Col. HAMMOND will speak *extempore*, but he has prepared the following notes for the information of members attending the meeting, summarising the points to which he will refer in his address:—

Preliminary.

The address is not intended as a criticism of Acts of Parliament nor their administration by local authorities, but to draw attention, particularly of younger members, to the uncertainty and consequent difficulty of valuation due to this legislation. No reference will be made to actual properties, though some may be recognised.

No actual solution will be proposed excepting that, in valuations, great care should be taken to make clients realise the possibilities of the future and that the valuation is based on present conditions.

Rent Restriction Acts.

The subject is too wide and too complex to be discussed generally, but the following points will be touched upon:—

(1) The difficulty of ascertaining whether property is controlled or decontrolled, due mainly to later legislation with re-control, and to the fact that registration with local authorities is not proof of decontrol, whilst the problem becomes more difficult as time goes by owing to change of landlords and change of tenants.

(2) Purchase of a controlled house for investment and for occupation ; difference in value.

Town Planning Legislation.

1. Different interpretation in different districts. In two rural districts recently one authority was prepared to zone property for light industrial purposes, shops or residential, whilst the other would not recognise light industry as distinct from heavy industry.

2. Views of a local authority altered. Plans for a building provisionally passed prior to town planning resolution ; property purchased on the strength of provisional approval ; town planning introduced before contract ready ; refusal by authority to pass plans as provisionally approved in the first place.

3. Owner absolutely bound by zoning, but local authority can alter this at their own discretion.

Ribbon Development Acts.

Difficulty of knowing which roads are affected thereby.

Sanitary Legislation.

Difficulties imposed by recent legislation, by which light and ventilation under certain conditions must of necessity be provided from public highway or one's own actual land.

Overcrowding.

Depreciation in certain cases owing to difficulty of letting certain properties where floor space does not allow for anything but a limited or partial number of people.

Slum Clearance.

1. No reliable information obtainable as to the possibility of property being scheduled in the future.

2. Expensive and high-class property zoned as such can be taken for housing purposes, and even newly built property, erected by consent of authorities, taken over at serious loss to owners.

3. No compensation for owners of properties surrounding estates dealt with as in the last item.

4. Whether it is admissible for a local authority to buy privately (and without its being known to surrounding owners) good-class property, with a view to development for housing purposes, then to schedule adjoining properties and acquire compulsorily and to claim that no value for reversion can stand unless it is based on the conditions prevailing after housing had been decided upon instead of basing the value on a reversion to property as then existing.